

1 IRENE K. YESOWITCH State Bar #111575  
2 CHIP COX State Bar #159681  
3 LONG & LEVIT LLP  
4 465 California Street, Suite 500  
5 San Francisco, CA 94104  
6 TEL: (415) 397-2222 FAX: (415) 397-6392  
7 [iyesowitch@longlevit.com](mailto:iyesowitch@longlevit.com)  
8 [ChipC@longlevit.com](mailto:ChipC@longlevit.com)

9 Attorneys for Defendant  
10 MARKEL AMERICAN INSURANCE COMPANY

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

13 LENSRAFTERS, INC.; and EYEXAM OF  
14 CALIFORNIA, INC.,

15 Plaintiffs,

16 vs.

17 LIBERTY MUTUAL FIRE INSURANCE  
18 COMPANY; EXECUTIVE RISK  
19 SPECIALTY INSURANCE COMPANY;  
20 UNITED STATES FIRE INSURANCE  
21 COMPANY; MARKEL AMERICAN  
22 INSURANCE COMPANY; and  
23 WESTCHESTER FIRE INSURANCE  
24 COMPANY,

25 Defendants.

CASE No. CV-07-2853 SBA

**STATEMENT OF NON-OPPOSITION  
TO PLAINTIFFS' MOTION TO  
CONTINUE CASE MANAGEMENT  
CONFERENCE**

Date: April 15, 2008

Time: 1:00 P.M.

Courtroom: 3

Judge: Hon. Sandra B. Armstrong

1 Defendant Markel American Insurance Company does not oppose the Order plaintiffs  
 2 seek, to continue the Case Management Conference presently scheduled for April 23, 2008.  
 3 While Markel does not subscribe to all of the characterizations in plaintiffs' motion, Markel  
 4 agrees with the relief that plaintiffs' request.

5 As plaintiffs and United States Fire Insurance Company both note, the claims period in  
 6 *Snow* will close on August 4, 2008. Shortly thereafter, LensCrafters will know how much they  
 7 are committed to pay to individual class members under the *Snow* settlement. That information  
 8 may help the parties refine, highlight or eliminate potential coverage issues in this matter.  
 9 Consequently, it would appear most efficient to continue the Case Management Conference to  
 10 early September, to permit the parties to address a more settled indemnity claim. In the  
 11 meantime, the parties have begun serving and responding to written discovery, so there will be no  
 12 substantive delay in the litigation of this matter.

13 Dated: March 25, 2008

LONG & LEVIT LLP

14  
 15 By /s/  
 16 CHIP COX  
 17 Attorneys for Defendant  
 18 MARKEL AMERICAN  
 19 INSURANCE COMPANY

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